

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

<b>DAVID RYAN LEE,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>V.</b>	:	
	:	
<b>GEORGIA DEPARTMENT OF TRANSPORTATION,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

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**NO. 7:21-cv-00065-WLS-TQL**

**ORDER OF DISMISSAL**

Plaintiff David Ryan Lee, a prisoner in the Lowndes County Jail in Valdosta, Georgia, filed a civil rights complaint under 42 U.S.C. § 1983. (Doc. 4.) Plaintiff also filed a motion for leave to proceed *in forma pauperis*. (Doc. 5.) Thereafter, Plaintiff was ordered to file a certified copy of his trust fund account statement for the preceding six months so that the Court could properly evaluate his motion for leave to appeal *in forma pauperis*. (Doc. 7.) Plaintiff was given twenty-one days to file his account statement and was cautioned that his failure to do so could result in the dismissal of this action. *Id.*

More than twenty-one days passed following entry of that order, and Plaintiff did not file an account statement or otherwise respond to that order. Moreover, mail sent to Plaintiff at the Lowndes County Jail – the only address on file for Plaintiff – was returned to the Court as undeliverable. (*See* Doc. 8.) Plaintiff's failure to keep the Court apprised of his current address constitutes a failure to prosecute his case, and insofar as the Court has no information as to Plaintiff's current whereabouts, this action could not proceed.

Thus, Plaintiff was ordered to show cause to the Court why this case should not be

dismissed for failure to comply with the Court's orders and failure to keep the Court apprised of his current address. (Doc. 9.) Plaintiff was given twenty-one days to respond and was cautioned that his failure to do so would in the dismissal of this action. *Id.*

More than twenty-one days have now passed since the show cause order was entered, and Plaintiff has failed to respond to that order. Additionally, the show cause order was also returned to this Court as undeliverable. (Doc. 10.) Thus, because Plaintiff has failed to respond to the Court's orders or otherwise prosecute this case, the complaint is hereby **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order." (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978))). All pending motions (Docs. 2 & 5) are **DENIED AS MOOT**.

**SO ORDERED**, this 14th day of September 2021.

/s/ W. Louis Sands  
**W. LOUIS SANDS, SR. JUDGE**  
**UNITED STATES DISTRICT COURT**